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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91221765
Party	Defendant Petigree Enterprises, LLC
Correspondence Address	PETER A MATOS MALLOY & MALLOY PL 2800 SW 3RD AVE MIAMI, FL 33129-2317 UNITED STATES
Submission	Answer
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Signature	/Meredith Frank Mendez/
Date	06/09/2015
Attachments	Answer and Affirmative Defenses.pdf(121288 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application No. 86/433,637

MARS, INCORPORATED,

Opposition No. 91221765

Opposer,

vs.

PETIGREE ENTERPRISES, LLC,

Applicant.

ANSWER AND AFFIRMATIVE DEFENSES

Applicant, PETIGREE ENTERPRISES, LLC, a Florida limited liability company having an address of 2052 N.E. 153rd Street, North Miami Beach, Florida 33162, hereby files its Answer and Affirmative Defenses in response to the Notice of Opposition filed by MARS, INCORPORATED, and states as follows:

1. Opposer is without sufficient knowledge as to the allegations contained in Paragraph 1, and therefore they are denied.
2. Opposer is without sufficient knowledge as to the allegations contained in Paragraph 2, and therefore they are denied.
3. Opposer is without sufficient knowledge as to the allegations contained in Paragraph 3, and therefore they are denied. Opposer admits that Exhibit A purports to be a chart containing a representative sampling of the PEDIGREE Marks and that the document speaks for itself. Opposer admits that Exhibit B purports to be status and title copies of all of the registrations listed in Exhibit A and that the document speaks for itself.

4. Opposer is without sufficient knowledge as to the allegations contained in Paragraph 4, and therefore they are denied.

5. Opposer is without sufficient knowledge as to the allegations contained in Paragraph 5, and therefore they are denied.

6. Opposer is without sufficient knowledge as to the allegations contained in Paragraph 6, and therefore they are denied.

7. Opposer is without sufficient knowledge as to the allegations contained in Paragraph 7, and therefore they are denied.

8. Opposer admits the allegations contained in Paragraph 8.

9. Opposer admits that on October 24, 2014, it filed an intent-to-use application for the mark PETIGREE (Serial No. 86/433,637) for use in connection with “lancets and lancing devices for home and clinical veterinary use” in International Class 10. Opposer denies the remaining allegations contained in Paragraph 9.

10. Opposer denies the allegations contained in Paragraph 10.

11. Opposer denies the allegations contained in Paragraph 11.

12. Opposer denies the allegations contained in Paragraph 12.

13. Opposer is without sufficient knowledge as to the allegations contained in Paragraph 13, and therefore they are denied.

14. Opposer is without sufficient knowledge as to the allegations contained in Paragraph 14, and therefore they are denied.

15. Opposer is without sufficient knowledge as to the allegations contained in Paragraph 15, and therefore they are denied.

16. Opposer denies the allegations contained in Paragraph 16.
17. Opposer denies the allegations contained in Paragraph 17.
18. Opposer re-alleges and incorporates by reference its responses set forth in the preceding paragraphs of this Answer and Affirmative Defenses.
19. Opposer is without sufficient knowledge as to the allegations contained in Paragraph 19, and therefore they are denied.
20. Opposer denies the allegations contained in Paragraph 20.
21. Opposer denies the allegations contained in Paragraph 21.
22. Opposer denies the allegations contained in Paragraph 22.
23. Opposer re-alleges and incorporates by reference its responses set forth in the preceding paragraphs of this Answer and Affirmative Defenses.
24. Opposer denies the allegations contained in Paragraph 24.
25. Opposer denies the allegations contained in Paragraph 25.
26. Opposer denies the allegations contained in Paragraph 26.
27. Opposer re-alleges and incorporates by reference its responses set forth in the preceding paragraphs of this Answer and Affirmative Defenses.
28. Opposer denies the allegations contained in Paragraph 28.
29. Opposer denies the allegations contained in Paragraph 29.
30. Opposer denies the allegations contained in Paragraph 30.
31. Opposer denies the allegations contained in Paragraph 31.
32. Opposer denies the allegations contained in Paragraph 32.
33. Opposer denies the allegations contained in Paragraph 33.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a cause of action upon which relief may be granted.
2. Opposer lacks standing.
3. There is no likelihood of confusion between the Applicant's applied for mark and any mark upon which Opposer can rely.
4. None of Opposer's marks upon which Opposer can rely is famous or had become famous prior to Applicant's filing date.

Respectfully submitted,

Dated: June 9, 2015

By: /Meredith Frank Mendez/
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CERTIFICATE OF FILING

I HEREBY CERTIFY that the foregoing document was filed electronically via the ESTTA, at the United States Patent and Trademark Office, Trademark Trial and Appeal Board's ESTTA electronic filing system, this 9th day of June, 2015.

By: /Meredith Frank Mendez/
Meredith Frank Mendez

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 9, 2015, a true and correct copy of the foregoing Answer and Affirmative Defenses was served upon the following by First Class Mail, postage pre-paid:

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By: /Meredith Frank Mendez/
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